□3rd □V Vote ID/RC Vote Part y Para FINAL COUNCIL ACTION ATLANTA CITY COUNCIL PRESIDENT MAYOR'S ACTION WITHOUT SIGNATURE BY OPERATION OF LAW JUN 1 9 2000 APPROVED JUN 1 9 2003 CERTIFIED ☐1st & 2nd JUN 2 8 2000 □Consent □2nd ctos (Fay, Adv, Hold (see rev. side) Fav, Adv, Hold (see rev. side) .30 - 00 Committee Committee Chair Members Members Action: Refer To Other: Refer To Action: Chair Other: Date First Reading Fav, Adv/Hold (see rev. side) Fav, Adv, Hold (see rev. side) The Colombia Chair Committee Committee Members Refer To Refer To Other: Chair Action: Committee Date Referred to Sai. WITHIN 100 FEET OF ANY ABUTTING R-FACILITY, AND FOR OTHER PURPOSES. DRIVE-THROUGH LANES PART OF THE ITS ERRONEOUS INTERPRETATION OF DOES NOT CONSIDER THE DEDICATED **1990-**△ -00 BUREAU OF BUILDINGS TO CORRECT 1 THROUGH R-G PROPERTY, WHICH PROHIBITS ANY DRIVE-IN FACILITY A RESOLUTION CALLING FOR THE **CODE SECTION 16-11.006(1), WHICH** INTERPRETATION ERRONEOUSLY ADOPTED BY COUNCIL JUN 19 2000 COUNCILMEMBER LEE MORRIS Ist ADOPT 2nd READ & REFER (Do Not Write Above This Line) REGULAR REPORT REFER PERSONAL PAPER REFER 6/5/8 pura ADVERTISE & REFER A RESOLUTION BY CONSENT REFER Date Referred Date Referred Date Referred Referred To: Referred To: Referred To: 0000



CITY COUNCIL ATLANTA, GEORGIA

00- **₹**-0661

A RESOLUTION BY COUNCILMEMBER LEE MORRIS

A RESOLUTION CALLING FOR THE BUREAU OF BUILDINGS TO CORRECT ITS ERRONEOUS INTERPRETATION OF CODE SECTION 16-11.006(1), WHICH PROHIBITS ANY DRIVE-IN FACILITY WITHIN 100 FEET OF ANY ABUTTING R-1 THROUGH R-G PROPERTY, WHICH INTERPRETATION ERRONEOUSLY DOES NOT CONSIDER THE DEDICATED DRIVE-THROUGH LANES PART OF THE FACILITY, AND FOR OTHER PURPOSES

WHEREAS, the Atlanta City Council adopted as part of the City's Code of Ordinances the following, which has been codified as Section 16-11.006(1):

Transitional Uses: Where a lot in this district abuts a lot in any R-1 through R-G district at the side along the same street frontage, and without an intervening street, the first lot within this district, or the first 100 feet of such lot if it is wider than 100 feet, shall not be used for any drive-in facility, service station, mortuary or funeral home, [or] sales lot for automobiles, and

WHEREAS, the Bureau of Buildings issued a permit for a drive-in Chick-fil-A facility on the corner of Roswell Road and Midvale Drive, after having the applicant move the building so that it is 100 feet away from the residentially zoned property, but such that the drive-through lanes are within the 100 foot proscribed area; and

WHEREAS, it is clear that the purpose of the language was to keep these kinds of businesses a minimum distance from people's homes, and that a service station, for example, could not be sited such that its building and pumps were 101 feet away, but the lanes next to the pumps were within the 100 feet; and

WHEREAS, even if there were ambiguity, the Bureau should interpret the ordinances which were designed to protect the residents of the City in a manner that protects the residents rather than facilitates that from which the ordinances seek to protect residents;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that this City Council goes on record to declare that the issuance of the permit in question was based on an erroneous interpretation of the Code, which the Council wishes to avoid in the future, and



BE IT FURTHER RESOLVED, that the Council requests that the permit in question be revoked, the plans be corrected to conform to the Code, and reissued if appropriate.

A ado copy,

ebuty Clerk

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

JUNE 19, 2000

JUNE 28, 2000

Atlanta City Council

Regular Session

00-R-0661 CALLING FOR BUREAU OF BUILDINGS CORRECT ERRONEOUS INTERPRETATION OF 16-11.006(1) ADOPT

YEAS: 9
NAYS: 3
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

Y McCarty N Dorsey Y Moore Y Thomas Y Emmons Y Starnes Y Woolard N Martin NV Bond Y Alexander B Maddox Y Morris B Winslow Y Muller N Boazman NV Pitts

Atlanta City Council

Regular Session

00-R-0661	CALLING FOR BUREAU OF BUILDINGS CORRECT	Г
	ERRONEOUS INTERPRETATION 16-11.006(1)	
	ADOPT	

YEAS: 7
NAYS: 4
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 2
ABSENT 0

NV	McCarty	NV	Dorsey	N	Moore	Y	Thomas
Y	Starnes	Y	Woolard	Y	Martin	\mathbf{E}	Emmons
	Bond	Y	Morris	Y	Maddox	Y	Alexander
N	Winslow	E	Muller	N	Boazman	NV	Pitts

Atlanta City Council

Regular Session

00-R-0661

CALLING FOR BUREAU OF BUILDINGS CORRECT ERRONEOUS INTERPRETATION 16-11.006(1)

ADOPT

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YEAS: 7
NAYS: 4
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 2

ABSENT 0

NV	McCarty	NV	Dorsey	N	Moore	Y	Thomas
Y	Starnes	Y	Woolard	Y	Martin	E	Emmons
N	Bond	Y	Morris	Y	Maddox	Y	Alexander
N	Winslow	E	Muller	N	Boazman		Pitts